

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN JOHN SARGISSON,

Defendant.

No. 2:22-cr-00016-DAD-1

STIPULATION REGARDING
EXCLUDABLE TIME PERIODS UNDER
SPEEDY TRIAL ACT; ORDER

(Doc. No. 34)

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This case was set for a status conference on January 17, 2023.
2. By this stipulation, defendant now moves to continue the status conference until February 21, 2023, and to exclude time between January 17, 2023, and February 21, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a. The government has represented that the discovery associated with this case includes investigative reports and photographs, which the government has either produced Directly to counsel or made available for inspection

1 and copying. The government is also in the process of confirming whether
2 there is additional discovery, which it will produce in the event it is
3 identified.

4 b. The parties are in the process of attempting to resolve this matter. Counsel
5 for defendant desires additional time to review the discovery produced, to
6 consult with his client, to conduct investigation and research related to the
7 current charges, to discuss potential resolutions to this matter, and to
8 otherwise prepare for trial.

9 c. Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for
11 effective preparation, taking into account the exercise of due diligence.

12 d. The government does not object to the continuance.

13 e. In addition to the public health concerns cited by the General Orders and
14 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is
15 particularly apt in this case because the defendant is out of custody and
16 lives an appreciable distance from Sacramento, where defense counsel is
17 based. As a result, all travel must be carefully coordinated, which is more
18 difficult at this time.

19 f. Based on the above-stated findings, the ends of justice served by
20 continuing the case as requested outweigh the interest of the public and the
21 defendant in a trial within the original date prescribed by the Speedy Trial
22 Act.

23 g. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §
24 3161, et seq., within which trial must commence, the time period of
25 January 17, 2023 to February 21, 2023, inclusive, is deemed excludable
26 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it
27 results from a continuance granted by the Court at defendant's request on
28 the basis of the Court's finding that the ends of justice served by taking

such action outweigh the best interest of the public and the defendant in a speedy trial.

h. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 12, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

Dated: January 12, 2023

/s/ RON PETERS
RON PETERS
Counsel for Defendant
BENJAMIN JOHN SARGISSON

ORDER

Pursuant to the stipulation of the parties, the status conference previously scheduled for January 17, 2023 is hereby continued to February 21, 2023, at 9:30 a.m. and time is excluded between January 17, 2023, and February 21, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

IT IS SO ORDERED.

Dated: January 13, 2023

Dale A. Drogel
UNITED STATES DISTRICT JUDGE